

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

D E C E M B E R 1 8 , 2 0 0 3

The regular meeting of the City Planning Commission convened Thursday, December 18, 2003, at 1:30pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Greenberg, Randal Hernandez,
Matthew Jenkins, Morton Stuhlbarg,
Charles Winn

ABSENT: COMMISSIONERS: Lynn Moyer, Nick Sramek

CHAIRMAN: Charles Greenberg

STAFF MEMBERS PRESENT: Fady Mattar, Acting Director
Greg Carpenter, Zoning Officer
Angela Reynolds, Advance Planning
Harold Simkins, Senior Planner
Joe Recker, Planner I
Jamilla Vollmann, Planner I

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

Commissioner Winn led the pledge of allegiance.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

At the request of both a Commissioner and an audience member, Item 1B was removed to the Regular Agenda for discussion.

Commissioner Winn moved to approve Items 1A and 1C of the Consent Calendar as presented by staff. Commissioner Jenkins seconded the motion, which passed 5-0. Commissioners Moyer and Sramek were absent.

**1A. Case No. 0307-02, Rezoning, General Plan Amendment,
Site Plan Review, Standards Variance, EIR 36-02**

Applicant: Melanie S. Fallon, Executive Director,
Long Beach Redevelopment Agency
Subject Site: 2910 E. 55th Way (Council Dist. 9)
Description: New City park.

Continued to the February 5, 2004 meeting.

1B. Case No. 0310-20, Conditional Use Permit, CE 03-198

Applicant: Jack Oh
Subject Site: 5602 Long Beach Blvd. (Council Dist. 8)
Description: Conditional Use Permit to allow an off-sale
general liquor license for a market.

Removed to the Regular Agenda for discussion.

1C. Case No. GPC 12-18-03

Applicant: Nancy Downs, Covenant Presbyterian Church
Subject Site: East-west alley east of Atlantic Ave. and
north of Third St. (Council District 1)
Description: Alley vacation.

Found proposed alley vacation in conformance with the General
Plan.

R E G U L A R A G E N D A

1B. Case No. 0310-20, Conditional Use Permit, CE 03-198

Applicant: Jack Oh
Subject Site: 5602 Long Beach Blvd. (Council Dist. 8)
Description: Conditional Use Permit to allow an off-sale
general liquor license for a market.

Jamilla Vollman presented the staff report recommending approval of the request since the site has operated with a liquor license for more than 50 years without adversely impacting adjacent properties.

Jack Oh, 5602 Long Beach Blvd., applicant, noted that the store was located on the premises of a trailer park and mainly served those residents. He also objected to a condition prohibiting sales of single beers, since most of his customers couldn't

afford the whole six-pack. Mr. Oh added that in all the years of business, there had never been a history of crime or loitering.

Ramona Pack, 5620 Gary Avenue, trailer park resident, expressed support for the applicant and his request to sell single beers, and she added that the market was a great convenience for area residents, who helped the owner keep watch for suspicious activity.

Linda Ivers, 5565 Linden, Past President, North Long Beach Business Association, also spoke in support of the application and said that it had been discussed many times at community meetings with no opposition to the license. Ms. Ivers added that the business was well-run and she had never seen anyone loitering outside.

In response to a query from Chairman Greenberg regarding the implementation of the new condition precluding single bottle sales, Mr. Carpenter said that the previous establishment had been completely demolished, which triggers the requirement to re-establish beer and wine sales. Mr. Carpenter added that the Police Department had asked that Planning impose this condition.

Commissioner Winn expressed concern that removal of the sales limitation might be precedent-setting without stringent conditions.

Commissioner Jenkins said he felt the unique situation of the market made the location almost quasi-private, and Mr. Carpenter pointed out that the market fronted on Long Beach Boulevard, and had public access.

In response to a query from Commissioner Jenkins, applicant Oh stated he had not been aware of the single bottle sales condition before he demolished the building.

Chairman Greenberg said he felt there was no reason to impose the condition in this case, since the Police Department objects mainly to loitering and crime attached to single bottle sales, which is not an issue in this application.

Commander Keith Kilmer, Long Beach Police Department, expressed support for the staff recommendation to leave the sales condition intact, adding that they would be willing to do a thorough investigation on the reporting area if the Commission so desired.

Commissioner Winn said he thought some negative activity in the area would not show up in a local survey.

Vice-Chairman Hernandez said he thought the expansion of the license was a fair exchange for the limitation on single-can sales, and that it was better to err on the side of caution.

Vice-Chairman Hernandez then moved to approve the Conditional Use Permit, subject to conditions as recommended by staff. Commissioner Winn seconded the motion.

Chairman Greenberg said he felt this was a very unusual situation, and that the new condition should not be imposed on an applicant with over 50 years of problem-free operation. He suggested a continuation to allow the Police Department to conduct an investigation into the area crime history.

Commissioner Jenkins agreed that such an investigation would allow the Commissioners to make a more informed decision.

The question was called, and the motion failed 2-3. Commissioners Greenberg, Stuhlbarg and Jenkins dissented, and Commissioners Moyer and Sramek were absent.

In response to a query from Chairman Greenberg, Applicant Oh stated that he preferred to take an approval today with the sales limitation intact, rather than waiting a month for a possibly different decision.

At that, Vice-Chairman Hernandez moved to approve the Conditional Use Permit, subject to conditions. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Moyer and Sramek were absent.

2. Case No. 0310-30, Administrative Use Permit, Local Coastal Development Permit, CE 03-203

Applicant: Off-Shore Stereo c/o Bill Ridgeway
Appellants: Wilbur W. Lorbeer & John Dingman
Subject Site: 5313 E. 2nd St. (Council District 3)
Description: Appeal of the Zoning Administrator's decision to approve an Administrative Use Permit to allow the expansion of an existing automobile detailing business.

Joe Recker presented the staff report recommending denial of the appeal, since the proposed expansion as conditioned would be more compatible with the surrounding uses than the existing

operation, and because the detailing business would provide a needed service to local residents.

William Lorbeer, 5350 East 2nd Street, co-appellant and adjacent property owner, stated that he was not trying to deny the applicant the chance to expand his business, but rather he felt that the zoning and use were not classified correctly, and should require a different permit such as auto accessories.

Mr. Lorbeer also stated that the required block wall suggested by staff for noise and appearance issues would create serious safety hazards for pedestrians and vehicles, while screening the alley from the watchful eye of police. Mr. Lorbeer added that the wall would also block residents' views of the street, and create worse noise problems, since the noise addressed by staff comes from the alley traffic, not the applicant's business.

Mr. Lorbeer also stated he did not think that a trash enclosure would be necessary, since the area was already shielded from sight. He added that the staff had also recommended restrictions on installations for noise reasons, but that the applicant had been doing these installations for 25 years without noise problems. Mr. Lorbeer also noted that the restriction on hours of operation should be adjusted, since 7pm was too early to close in the summer.

Commissioner Winn pointed out that the Commission was in receipt of a letter from Jeanette Gavin saying that the Board of Directors of the Belmont Shore Residents' Association was in support of the staff recommendation, especially in regards to the block wall on the alley.

Mr. Lorbeer stated that his understanding of that particular Board decision was that it was by no means unanimous, and that adjacent residents directly impacted were vehemently opposed to the wall.

In reply to a query from Vice-Chairman Hernandez regarding classification of the use, Mr. Lorbeer explained that the auto detailing and installation areas stay the same, and the new portion would only be used for retail. Mr. Lorbeer explained further that the applicant had unexpectedly received a master lease opportunity on a vacated space and decided to use it for retail, not knowing it would create a non-conformance issue.

Mr. Carpenter explained that staff felt the move of the auto detailing aspect of the business was acceptable with approval of

an AUP in that particular zoning district. Mr. Carpenter added that staff never heard any objections to the block wall or other conditions from neighbors at the community hearings, which had been held to address these issues. He further added that the conditions suggested would make the use more compatible with adjacent residential properties, and that conditions regarding the back bay installations and hours of operation had been added at the suggestion of applicant representative Ridgeway. Mr. Carpenter said that the conditions of approval had been made in an effort to help adjacent neighbors.

Assistant City Attorney Mais pointed out that the Zoning Code states that if there is an inconsistency or ambiguity in the Code, the Zoning Administrator is called out by the City Council to make those types of determinations, and that his judgment on such matters is usually deferred to.

Rick Rappa, 5313 E. 2nd Street, applicant, stated that the extra square footage might or might not be used for additional installations, but he was only relocating existing inventory.

Vice-Chairman Hernandez pointed out that the expansion had been done illegally, which had to be rectified.

John Dingman, 204 Firmona Avenue, co-appellant and adjacent resident, stated he did not want the block wall to be built, saying he thought it would increase alley noise, block views, increase criminal opportunities and create blind spots for pedestrians and vehicles. He added that they have never had any problems with noise from the applicant's installation activities.

Bud Lorbeer, 5320 E. 2nd Street #9, agreed that the block wall would create a safety hazard.

In response to a query from Chairman Greenberg as to whether or not the conditions of approval were properly before the Commission without an appeal on the original conditions, Mr. Mais said that technically the appeal was correct, but the bigger issue was whether the appellants should have paid a fee in the first place, since they are only disputing a couple of the conditions with the express support of the applicant. Mr. Mais added that he didn't see any indication that anyone was contesting the guidance of the Zoning Administrator.

Chairman Greenberg noted that the use classification was not properly part of the appeal and therefore could not be

considered by the Commission. Mr. Greenberg added that within those ambiguous parameters, the staff decision was rational, given all the circumstances.

Vice-Chairman Hernandez commented that based on Mr. Mais' opinion regarding the classification issue, perhaps the appellants should withdraw their appeal and re-file, clarifying their position.

Mr. Lorbeer stated that he wanted a continuance to further address the conditions of appeal, and Mr. Greenberg reminded him that the Commission was doing just that.

Commissioner Winn stated he was swayed by the adjacent neighbor's testimony about the noise issue, which could also be addressed through Code Enforcement if necessary, and that he didn't think the trash needed to be enclosed, but that he supported the restriction on the hours of operation.

Commissioner Winn moved staff recommendation to deny the appeal and uphold the Zoning Administrator's decision to approve an Administrative Use Permit and Local Coastal Development Permit, subject to conditions. Commissioner Stuhlbarg seconded the motion.

Vice-Chairman Hernandez said he didn't see a need for the block wall, but felt that the trash enclosure was necessary, and that the hours of operation should remain as recommended by staff.

Chairman Greenberg agreed with Mr. Hernandez, except on the hours of operation, which he felt should go to 8pm. Commissioner Jenkins agreed with Chairman Greenberg.

The question was called, and the motion failed 2-3. Commissioners Greenberg, Hernandez and Jenkins dissented, and Commissioners Moyer and Sramek were absent.

Commissioner Jenkins moved to deny the appeal and to uphold the Zoning Administrator's decision to approve an Administrative Use Permit and Local Coastal Development Permit, subject to revised conditions that would not require a solid block wall; and to revise the hours of operation to 8pm.

Commissioner Greenberg seconded the motion, which passed 4-1. Commissioner Hernandez dissented, and Commissioners Moyer and Sramek were absent.

3. Case No. 0309-23, CE 03-180

Applicant: City of Long Beach, c/o Fady Mattar
Acting Director, Planning & Building
Subject Site: Citywide
Description: Amendments to the Zoning Regulations and the
Local Coastal Program related to self-storage land uses.

Harold Simkins presented the staff report recommending approval of the amendments since they will insure proper development of compatible land uses and will help avoid premature development of uses that are inconsistent with the purpose of the Zoning Regulations and/or the Land Use Element of the General Plan.

Vice-Chairman Hernandez commended Mr. Simkins for his exhaustively researched report on the issue, and he moved to recommend that the City Council approve Zoning Ordinance and Local Coastal Plan Amendments related to self-storage issues.

Commissioner Jenkins seconded the motion.

Commissioner Winn said he was impressed by the report, but said he thought it should be a requirement for major projects to accommodate a basic amount of residential storage for their tenants.

Chairman Greenberg agreed that there was an inherent problem with self-storage, since the City was continually urbanizing their downtown areas, creating a need for storage, while reducing storage service areas.

The question was called, and the motion passed 5-0.
Commissioners Moyer and Sramek were absent.

M A T T E R S F R O M T H E A U D I E N C E

Linda Ivers 5565 Linden, said she hoped that the Commission could attend the North Long Beach cluster meetings.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Fady Mattar stated that the City Council had passed the Parks in Perpetuity ordinances.

Angela Reynolds noted that the EIR on PacifiCenter would be released in January 2004.

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 3:54pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk